

Civil Penalties Increased for Undeclared or Smuggled Agricultural Products

The Plant Protection Act (PPA) became law in June 2000 as part of the Agricultural Risk Protection Act, and the Animal Health Protection Act (AHPA) became law in May 2002 as part of the 2002 Farm Bill.

Some of the most significant changes brought about by these laws are the harsher penalties they allow the U.S. Department of Agriculture (USDA) to impose on people who do not declare prohibited agricultural products when entering the United States, those who try to smuggle these products into the country, and people who violate domestic quarantines and laws.

After a significant review of current penalties and development of guidelines and tools for implementation by USDA's Animal and Plant Health Inspection Service's (APHIS) Plant Protection and Quarantine (PPQ) program, the new civil penalties for agricultural regulation violations are in place.

Any business or organization that violates the laws can now be fined up to \$250,000 per violation and no more than \$500,000 per adjudication. Smugglers face fines of up to \$250,000 per violation or twice the gross financial loss or gain caused by the violation.

Airline, Maritime, and Rail Employees

Those who violate agricultural regulations, either by failing to declare agricultural products they are carrying with them or by smuggling these items into the United States, will face a civil penalty.

For airline, rail, and maritime employees, or passengers who do not declare their agricultural products, the fines can reach up to \$50,000. PPQ will charge first-time offenders up to \$1,000 if the products are not for resale. Agricultural smugglers face additional penalties of up to \$250,000 per violation or possible criminal charges.

To avoid costly fines, declare all agricultural products you have when entering the United States. Mark yes to question #11 on the U.S. Customs Declaration Form.

Garbage Violations

To prevent the spread of foreign plant and animal pests and diseases, APHIS regulates the handling and disposal of garbage from maritime vessels, airplanes, and trains traveling between the continental United States and foreign countries, Hawaii, and U.S. possessions and territories.

The improper removal or handling of regulated garbage with or without a compliance agreement will result in fines of up to \$250,000.

Cargo and Domestic Quarantine Violations

APHIS inspects incoming agricultural cargo shipments for agricultural pests and diseases. APHIS quarantines any cargo shipments that may be infested with an agricultural pest, require further inspection, or are in need of treatment. Shipments cannot be moved without permission from an APHIS inspector. Failure to comply with holds and inspection requirements will result in fines of up to \$250,000.

Agricultural smugglers face fines of up to \$250,000 per violation or twice the gross financial loss or gain caused by the violation.

Domestic quarantines, such as those in place to stop the spread of plant pests like imported fire ant, plum pox, and Karnal bunt, restrict the movement of certain products that could carry pests to other areas of the United States. Violations of any domestic quarantines could result in fines of up to \$250,000.

Inspection Animals

USDA's Detector Dog program plays an integral part in safeguarding America's agriculture. The Detector Dogs, which include USDA's Beagle Brigade, work at U.S. border crossings, cargo warehouses at ports, and in many U.S. international airports. These dogs sniff passenger luggage, cargo, and vehicles for prohibited agricultural products that could cause serious damage to America's agricultural and natural resources.

Anyone who intentionally harms or interferes with members of the Detector Dog program will be fined up to \$10,000.

For more on APHIS and current regulations, please visit the APHIS Web site at www.aphis.usda.gov or call 1-866-SAFEGUARD for recorded traveler information.

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